

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 BELGRADE 000176

SIPDIS

E.O. 12958: DECL: CLOSURE OF ICTY

TAGS: [PGOV](#) [PREL](#) [SR](#) [ICTY](#)

SUBJECT: DEL PONTE CONFIDENT OF MLADIC HANDOVER

Classified By: DCM Roderick Moore, reasons 1.4 (b,d)

11. (c) Summary: Despite public criticism of SaM efforts to date on ICTY cooperation, del Ponte told assembled ambassadors she is convinced she will have Mladic in The Hague by the end of February - but only if the EU exerts maximum pressure on Kostunica by conditioning SAA talks on Mladic's being handed over. We should encourage the EU to do so, and recommend an early certification decision by the Secretary as additional pressure. End summary.

SIPDIS

12. (c) ICTY chief prosecutor Carla del Ponte's public remarks following her February 6 visit to Belgrade were typically gloomy, belying an uncharacteristically upbeat appraisal in a private briefing to the diplomatic community at the end of the visit. Del Ponte met with a host of GoS and GoSaM officials during her one-day visit, including PM Kostunica, intel chief Rade Bulatovic, ICTY Cooperation Council chair Rasim Ljajic, local war crimes special prosecutor Vladimir Vukcevic, and DEFMIN Stankovic. Following her meetings, the prosecutor issued a brief statement to the press critical of Serbia's lack of cooperation to date. She stressed that Mladic is still at large and that ICTY access to documentation is still insufficient. Kostunica's remarks following the visit, meanwhile, emphasized Serbia's national interest in fulfilling its obligations to the Tribunal.

13. (c) Del Ponte's typically critical public remarks, however, were balanced by a much more hopeful assessment during talks with resident ambassadors at the end of her visit. A visibly excited del Ponte told the group she is convinced/convinced she will have Mladic in The Hague by the end of February. She said her assessment is based on the results of her private meeting with Kostunica, at which intel chief Rade Bulatovic was also present, wherein she said Kostunica passed her a document with detailed information and specifics about the government's efforts and progress that she said gave her confidence that Mladic could be wrapped up (she did not go into further detail, but noted, inter alia, that the government had shown proof that they had tracked Mladic "much more recently" than 2003). She noted that her confidence is somewhat tempered by past experience with unfulfilled expectations from the GoS, but said she nevertheless believed Kostunica could deliver Mladic soon. Del Ponte highlighted that Kostunica told her there would be little domestic fallout from the arrest, as recent polls showed a majority of Serbs were in favor of Mladic's arrest. She noted, though, that they did not discuss the likely reaction from the Radical party.

14. (c) Del Ponte caveated, though, that Kostunica would only come through if the pressure remained on the GoS to deliver. She said it would be critical for the EU to continue to seriously threaten the suspension of SAA negotiations as the most credible pressure point to keep the GoS to its word. She said she had already made this pitch to Enlargement commissioner Ollie Rehn directly, and urged local ambassadors to support this request in their capitals. She emphasized that this was uncharacteristic of her - usually she declined to take a stand on political pressure, as such activity is out of her sphere of authority. She stressed, though, that the current moment is different - that it represents perhaps the last, best window of political opportunity to capture Mladic before other events (read Kosovo and Montenegro) would make any such action impossible. Del Ponte said once Mladic is in The Hague, Tolimir would quickly follow, and Karadzic would likely also follow soon thereafter.

15. (c) Further details: del Ponte said it looks most likely that Karadzic is currently in Montenegro, but admitted there was no solid lead in this regard, and that other reports had him in Serbia. Regarding her meeting with DEFMIN Stankovic and VBA chief Kovac, she said it was significant that the military for the first time admitted that it supported Mladic until 2002, something they had been unwilling to say before. She said she was briefed by Kovac on his oral report to the Supreme Defense Council, and that the report had uncovered some 300-400 people who had been at one time in the Mladic support network from 1997-2004. She also said it now appeared civilian and military intelligence services were finally working together on Mladic. On documents, she said she was pleased with the proposal to

improve access by ICTY investigators, and said they would test the system in the coming weeks.

16. (c) COMMENT: Del Ponte's excitement was palpable - she truly seems to think Mladic's transfer is a possibility by the end of the month. She is equally convinced, though, that it will only happen if the pressure is kept on at a high level. We strongly support her proposition that the EU seriously threaten repercussions on the SAA talks if Mladic is not delivered by the end of February, and would encourage Washington to engage in Brussels to that effect. In addition to coordinating with the EU, we recommend Washington announce that the Secretary will make a certification decision at the end of February, and that her decision will be driven by Belgrade's actions on Mladic. In the event Mladic is not handed over by the end of February, we would recommend the Secretary not certify and that certain direct assistance to

SIPDIS
the Serbian government be suspended.
POLT